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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/762,036 | 01/21/2004 | Stephen J. Todd | E0295.70201US00 | 3938 |

23628 7590 07/18/2006

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EXAMINER

LEROUX, ETIENNE PIERRE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2161

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/762,036 | Applicant(s) TODD ET AL. | |
| | Examiner Etienne P. LeRoux | Art Unit 2161 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2004/01/21</u> | 6) <input type="checkbox"/> Other: _____ |

Claims

Claims 1-73 are pending. Claims 1-73 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 10 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2005/0055518 issued to Hochberg et al (hereafter Hochberg).

Claims 1, 10 and 19:

Hochberg discloses:

transmitting at least one request, from the at least one host to the at least one storage system, requesting that the at least one storage system store a data unit until at least the expiration of a retention period, wherein the at least one request identifies the retention period indirectly by including information that enables the at least one storage system to determine the retention period [abstract]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-8, 11-13, 15-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochberg in view of Pub No US 2005/0076293 issued to Beresnevichiene (hereafter Beresnevichiene).

Claims 2, 11, 20:

Hochberg discloses the elements of claim 1/10/19 as noted above but does not disclose wherein the information that enables the at least one storage system to determine the retention period is information identifying a retention class to which the data unit belongs with at least one other data unit. Beresnevichiene discloses wherein the information that enables the at least one storage system to determine the retention period is information identifying a retention class to which the data unit belongs with at least one other data unit [paragraph 7]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hochberg to include wherein the information that enables the at least one storage system to determine the retention period is information identifying a retention class to which the data unit belongs with at least one other data unit for the purpose of adopting a convenient system for deciding when to delete a particular type of document [paragraph 7].

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Claims 3, 12 and 21:

The combination of Hochberg and Beresnevichiene discloses the elements of claims 1,2/10/19, 20 as noted above and furthermore disclose wherein the data unit has content and the act (A) comprises transmitting a request that includes, within the content of the data unit, the information that enables the at least one storage system to determine the retention period [abstract]

Claims 4 and 13:

The combination of Hochberg and Beresnevichiene discloses the elements of claims 1-3/10-12 as noted above and furthermore discloses transmitting a second request, from the at least one host to the at least one storage system, requesting that the at least one storage system modify the retention period of the retention class [Fig 6]

Claims 6 and 15:

The combination of Hochberg and Beresnevichiene discloses the elements of claims 1-4/10-13 as noted above and furthermore discloses wherein the second request is a request to increase the retention period of the retention class [Hochberg, paragraph 23]

Claims 7 and 16:

The combination of Hochberg and Beresnevichiene discloses the elements of claims 1-4 as noted above and furthermore discloses wherein the second request comprises an event command indicating the occurrence of an event [Hochberg, paragraph 23].

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Claims 8 and 17:

The combination of Hochberg and Beresnevichiene discloses the elements of claims 1-4 and 7 as noted above and furthermore discloses wherein the event command does not specify the manner in which the retention period of the retention class is to be reduced. Official Notice is taken that per Applicant's specification performing the reduction of the retention period in any suitable manner would have been obvious to one of ordinary skill in the art. The ordinary skilled artisan would have been motivated to perform the above in any suitable manner because the process was not critical.

Claims 5, 9, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hochberg and Beresnevichiene and further in view of Pub No US 2005/0188248 issued to O'Brien et al (hereafter O'Brien).

Claims 5 and 14:

The combination of Hochberg and Beresnevichiene discloses the elements of claims 1-4/10-13 as noted above but does not disclose wherein the second request is a request to reduce the retention period of the retention class. O'Brien discloses immediately deleting a file if needed [paragraph 112]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Hochberg and Beresnevichiene to include wherein the second request is a request to reduce the retention period of the retention class as taught by O'Brien for the purpose of immediately deleting a file for security reasons [paragraph 112]

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Claims 9 and 18:

The combination of Hochberg, Beresnevichiene and O'Brien discloses the elements of claims 1-4/10-13 as noted above and furthermore discloses wherein the second request specifies that the retention period of the retention class be reduced and the manner in which the length of the retention period of the retention class is to be reduced [O'Brien, paragraph 112]

Examiner notes that claims 22-73 can be rejected on a similar basis to the above.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

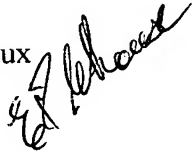
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

7/5/2006

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', written over the printed name and date.